

U.S. Patent Application Serial No. 10/743,424  
Response to Office Action dated August 29, 2005

**REMARKS**

Claims 1-7 are pending in this application, all of which have been amended. No new claims have been added.

The Examiner has objected to the Abstract for exceeding 150 words in length.

Accordingly, attached is a new Abstract.

The Examiner has requested that FIGS. 1 and 2 be designated as "Prior Art".

Accordingly, FIGS. 1 and 2 have been labeled "Prior Art." A sheet of replacement drawings is attached.

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Applicants' Admission of Prior Art (hereafter "APA") in view of U.S. Patent 4,273,153 to Brown (hereafter "Brown").

Applicants respectfully traverse this rejection.

Brown discloses a vacuum breaker for use on a moving tank for allowing atmospheric air to enter the tank to relieve a reduced pressure condition in the tank. The vacuum breaker has a light-weight closure assembly including a closure member of relatively large area. The closure assembly is normally held closed by two permanent magnets 46, 60. The magnets and the light-weight construction of the closure assembly substantially prevent the vacuum breaker from opening due to vibration of the moving tank. However, the vacuum breaker opens readily in response to a relatively slight reduced pressure in the tank because of the large area of the closure member.

U.S. Patent Application Serial No. 10/743,424  
Response to Office Action dated August 29, 2005

Brown specifically discloses that magnets 46, 60 are arranged so that their respective unlike poles are arranged near to each other to provide the attractive force.

In contrast, the present invention utilizes only one magnet and one non-magnetic member which is attracted of the magnet. This provides the advantage of lower cost, and provides a different attractive force function than if two magnets were used.

Accordingly, claim 1 has been amended to recite that the member 90 attracted by magnet 80 is non-magnetic.

Thus, the 35 U.S.C. § 103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-7, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

U.S. Patent Application Serial No. 10/743,424  
Response to Office Action dated August 29, 2005

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

*William L. Brooks*  
William L. Brooks  
Attorney for Applicant  
Reg. No. 34,129

WLB/ak

Atty. Docket No. 031345  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Replacement Sheet of Drawing (FIGS. 1 and 2)  
Substitute Abstract of the Disclosure

Q:\HOME\AKERR\WLB\03\031345\amendment oct 2005

U.S. Patent Application Serial No. 10/743,424  
Response to Office Action dated August 29, 2005

**IN THE DRAWINGS:**

The attached sheet of drawings includes changes to FIGS. 1 and 2. This sheet, which includes FIGS. 1 and 2, replaces the original sheet including FIGS. 1 and FIG. 2.